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DOC #:
DATE FILED: 10/18/2021

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October 18, 2021

VIA ECF

The Honorable Valerie Caproni
United States District Court, Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

Re: Moody, et al. v. The Related Companies, L.P., et al., No. 21-cv-06238-VEC

Dear Judge Caproni:

I write as counsel for Defendants The Related Companies, L.P. and ERY South Residential Tower LLC (“Defendants”) in this action to request a modest adjustment of the Court’s September 10, 2021 memorandum-endorsed Order (ECF Doc. No. 17) regarding initial motion practice, in order to facilitate the prompt resolution of Defendants’ motion to dismiss this action.

As Your Honor may recall, upon receiving the parties’ joint letter on September 9, 2021, in advance of the previously scheduled initial case-management conference, the Court *sua sponte* adjourned that conference without date and directed that (1) Defendants file their motion to dismiss by October 15, 2021, (2) Plaintiffs either oppose the motion or amend their Complaint by November 12, 2021, and (3) Defendants’ reply to any opposition would be due November 29, 2021. In fact, however, Defendants were able to file their motion to dismiss (ECF Doc. Nos. 13-15) on September 10, 2021, substantially in advance of the Court’s deadline—and, as Your Honor presumably has seen, Plaintiffs filed a “First Amended Complaint” on October 15, 2021 (ECF Doc. No. 18). Although the First Amended Complaint withdraws one collateral legal theory previously asserted in the original Complaint, it is otherwise largely the same as the original pleading. Indeed, any other modest amendments to Plaintiffs’ pleading do nothing to remedy the many legal deficiencies that compel dismissal of this action in its entirety. Those deficiencies are explained in detail in Defendants’ September 10, 2021 motion to dismiss the Complaint, and they apply with equal force to the largely identical First Amended Complaint.

Therefore, in the interest of efficiency, Defendants respectfully request the Court’s permission to renew their motion to dismiss, as directed to the First Amended Complaint, on the basis of their prior motion papers, together with a supplemental letter of up to five pages explaining why the previously identified grounds for dismissal apply equally to the First Amended Complaint. Defendants propose to file their letter by Wednesday, October 27, 2021, with Plaintiffs to file any opposition to the renewed motion by Wednesday, December 1, 2021, and Defendants to file their reply by Friday, December 17, 2021. We therefore respectfully request that the Court so-order this proposed adjustment to the briefing schedule on Defendants’ motion to dismiss.

Plaintiffs have consented to this request.

Respectfully,
/s/ Randy M. Mastro

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Application GRANTED. Defendants' original motion to dismiss is denied as moot, and the Clerk of Court is respectfully directed to close the open motion at docket entry 13.

Defendants may renew their motion to dismiss as directed to the First Amended Complaint and must file their motion plus a supplemental letter of up to 5 pages by **October 27, 2021**. Plaintiffs' opposition to the renewed motion is due by **December 1, 2021**. Defendants' reply is due by **December 17, 2021**.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over a horizontal line.

10/18/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE